



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4106

Introduced 1/15/2004, by Richard T. Bradley

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.2b new
705 ILCS 105/27.3b from Ch. 25, par. 27.3b
750 ILCS 5/706.3

Amends the Clerks of Courts Act. Provides that the Illinois Department of Revenue may enter into an agreement with the clerk of the circuit court to establish a pilot program for the purpose of collecting certain fees. The purpose shall be to intercept, in whole or in part, State income tax refunds owed to the Clerk of the Circuit Court, due the persons who owe fees in order to satisfy unpaid fees owed the circuit court clerks. Provides that the agreement shall include procedures for an appeal/protest by the debtor when an intercept occurs. Allows the circuit court clerk to enter into contracts with third parties guaranteeing the payment of fees by offenders. Authorizes the clerk to negotiate the payment and assessment of convenience and administrative fees by the third parties. Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that the court shall direct the clerk of the court to make information concerning an obligor, who fails to pay the child support annual fee for a period of 3 years, available to consumer reporting agencies.

LRB093 18769 AMC 44500 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning fees.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.3b and by adding Section 27.2b as follows:

6 (705 ILCS 105/27.2b new)

7 Sec. 27.2b. State income tax refund intercept. The Illinois
8 Department of Revenue may enter into an agreement with the
9 Clerk of the Circuit Court to establish a pilot program for the
10 purpose of collecting certain fees. The purpose shall be to
11 intercept, in whole or in part, State income tax refunds owed
12 to the Clerk of the Circuit Court, due the persons who owe fees
13 in order to satisfy unpaid fees pursuant to the fee
14 requirements of Sections 27.1a, 27.2, and 27.2a of this Act.
15 The collection shall not interfere with the collection of debts
16 related to child support. During the collection of debt under
17 this Section, when there may be 2 or more debt claims at the
18 same time, collection on the State debt shall take priority.
19 Such agreement may include, but shall not be limited to, a
20 verification by the Clerk of the Circuit Court that the debt
21 claims forwarded to the Department of Revenue are valid and
22 efforts have been exhausted to notify persons of the
23 delinquency of debt payment to the Clerk of the Circuit Court.
24 The agreement shall include procedures for an appeal/protest by
25 the debtor when an intercept occurs.

26 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

27 Sec. 27.3b. The clerk of court may accept payment of fines,
28 penalties, or costs by credit card or debit card approved by
29 the clerk from an offender who has been convicted of or placed
30 on court supervision for a traffic offense, petty offense,
31 ordinance offense, or misdemeanor or who has been convicted of

1 a felony offense. The clerk of the circuit court may accept
2 credit card payments over the Internet for fines, penalties, or
3 costs from offenders on voluntary electronic pleas of guilty in
4 minor traffic and conservation offenses to satisfy the
5 requirement of written pleas of guilty as provided in Illinois
6 Supreme Court Rule 529. The clerk of the court may also accept
7 payment of statutory fees by a credit card or debit card. The
8 clerk of the court may also accept the credit card or debit
9 card for the cash deposit of bail bond fees up to \$300.

10 The Clerk of the circuit court is authorized to enter into
11 contracts with credit card or debit card companies approved by
12 the clerk and to negotiate the payment of convenience and
13 administrative fees ~~to pay those companies fees~~ normally
14 charged by those companies for allowing the clerk of the
15 circuit court to accept their credit cards or debit cards in
16 payment as authorized herein. The clerk of the circuit court is
17 authorized to enter into contracts with third party fund
18 guarantors, facilitators, and service providers under which
19 those entities may contract directly with customers of the
20 clerk of the circuit court and guarantee and remit the payments
21 to the clerk of the circuit court. Where the offender pays
22 fines, penalties, or costs by credit card or debit card or
23 through a third party fund guarantor, facilitator, or service
24 provider, or anyone paying statutory fees of the circuit court
25 clerk or the posting of cash bail, the clerk shall collect a
26 service fee of up to \$5 or the amount charged to the clerk for
27 use of its services by the credit card or debit card issuer, or
28 third party fund guarantor, facilitator, or service provider.
29 This service fee shall be in addition to any other fines,
30 penalties, or costs. The clerk of the circuit court is
31 authorized to negotiate the assessment of convenience and
32 administrative fees by the third party fund guarantors,
33 facilitators, and service providers with the revenue earned by
34 the clerk of the circuit court to be remitted to the county
35 general revenue fund.

36 (Source: P.A. 93-391, eff. 1-1-04.)

1 Section 10. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by changing Section 706.3 as follows:

3 (750 ILCS 5/706.3)

4 Sec. 706.3. Information concerning obligors.

5 (a) In this Section:

6 "Arrearage", "delinquency", "obligor", and "order for
7 support" have the meanings attributed to those terms in the
8 Income Withholding for Support Act.

9 "Consumer reporting agency" has the meaning attributed to
10 that term in Section 603(f) of the Fair Credit Reporting Act,
11 15 U.S.C. 1681a(f).

12 (b) Whenever a court of competent jurisdiction finds that
13 an obligor either owes an arrearage of more than \$10,000, ~~or~~ is
14 delinquent in payment of an amount equal to at least 3 months'
15 support obligation pursuant to an order for support, or fails
16 to pay the child support annual fee for a period of 3 years,
17 the court shall direct the clerk of the court to make
18 information concerning the obligor available to consumer
19 reporting agencies.

20 (c) Whenever a court of competent jurisdiction finds that
21 an obligor either owes an arrearage of more than \$10,000 or is
22 delinquent in payment of an amount equal to at least 3 months'
23 support obligation pursuant to an order for support, the court
24 shall direct the clerk of the court to cause the obligor's name
25 and address to be published in a newspaper of general
26 circulation in the area in which the obligor resides. The clerk
27 shall cause the obligor's name and address to be published only
28 after sending to the obligor at the obligor's last known
29 address, by certified mail, return receipt requested, a notice
30 of intent to publish the information. This subsection (c)
31 applies only if the obligor resides in the county in which the
32 clerk of the court holds office.

33 (Source: P.A. 90-466, eff. 1-1-98; 90-673, eff. 1-1-99.)